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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 14-035

-vs-

JUDGE DRELL

MOHAMED AHMED HASSAN
ABDALLAH OMRAN

MAGISTRATE JUDGE KIRK

RULING

Before this Court is Defendant Mohamed Admed Hassan Abdallah Omran's appeal of the Magistrate Judge's decision denying Defendant's Motion To Issue an Order to the United States Marshal Service To Allow the Defendant To Have Access to Federal Rules, Laws And Statutes Pursuant to the Sixth Amendment of the United States Constitution (Doc. 34). Also before the Court is Defendant's Motion to Amend the aforementioned Motion (Doc. 37). We have considered the filings and evidence in the record and the parties' arguments in their briefs, and we are prepared to rule on the pending appeal and motion. For the following reasons, we affirm the Magistrate Judge's ruling and deny Defendant's motion.

I. Background

This appeal and motion are before us relating to charges against Mr. Omran for Failure to Depart in violation of 8 U.S.C. § 1253(a)(1)(C). Mr. Omran has an outstanding order of removal pending against him and allegedly has twice "knowingly connive[d] and conspire[d] or took any other action, designed to prevent or hamper or with the

purpose of preventing or hampering [his] departure from the United States pursuant to that order of removal." (Doc. 2). In a denied motion that he has both appealed and wishes to amend, Mr. Omran asked for access to federal rule and statutes books currently unavailable at the state penitentiary where he is incarcerated (Caddo Correctional Center), citing his Sixth Amendment rights under the United States Constitution. (Doc. 26). The Magistrate Judge denied this motion, noting that Mr. Omran has access to standby counsel who can assist him with legal research (Doc. 27). Mr. Omran appealed this decision, though he did not cite any reasons or authority for his appeal. (Doc. 34). Additionally, his motion to amend claims only that he is allowed merely one hour per week to use the law library at Caddo Correctional Center. (Doc. 37).

II. Law and Analysis

The Sixth Amendment to the United States Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence." Additionally, the Sixth Amendment guarantees a right to counsel in criminal cases. Gideon v. Wainright, 372 U.S. 355 (1963).

As the Magistrate Judge correctly observed, Mr. Omran has access to counsel who can assist him in obtaining federal rule and statute books (if they in fact are not

available to him) in order to prepare his case. We see no violation of Mr. Omran's Sixth Amendment rights in either the limited amount of time he claims he has in the Caddo Correctional Center library or in the lack of federal resources that facility provides. Mr. Omran can consult his standby counsel in order to access federal materials to prepare fully for his trial. Because we see no Sixth Amendment violation, we find that Mr. Omran's appeal of the Magistrate Judge's decision is without merit. Additionally, Mr. Omran's motion to amend his previous motion is moot in light of the Magistrate Judge's ruling on that motion and our observation, but even if the motion to amend were timely, we find that it also has no merit because of Mr. Omran's access to standby counsel.¹

III. Conclusion

For the foregoing reasons, Defendant's Appeal of the Magistrate Judge's decisions (Doc. 34) is DENIED and DISMISSED. Defendant's Motion to Amend the Motion To Issue an Order to the United States Marshal Service To Allow the Defendant To Have Access to Federal Rules, Laws And Statutes Pursuant to the Sixth Amendment of the United States Constitution (Doc. 37) is DENIED.

¹In an interesting twist, Mr. Omran is objecting by separate motion to the Court's having set his trial to give him adequate time for case preparation. That motion will be decided by separate ruling, to follow.

SIGNED on this 1st day of December, 2014 at Alexandria, Louisiana.


DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT